

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

E.I. DU PONT DE NEMOURS AND COMPANY,	)	
	)	
Plaintiff,	)	
	)	C.A. No. 07-346 (SLR)
v.	)	
	)	
MECHANICAL INTEGRITY, INC.	)	
	)	
Defendant.	)	
_____	)	
MECHANICAL INTEGRITY, INC.,	)	
	)	
Third-Party Plaintiff,	)	
	)	
v.	)	
	)	
NDT Equipment Services Ltd.,	)	
	)	
Third-Party Defendant.	)	
_____	)	

**DECLARATION OF BRIAN M. ROSTOCKI**

I, Brian M. Rostocki, declare as follows:

1. I am an associate of Fish & Richardson P.C., counsel for NDT Equipment Services Ltd. ("NDT"). I am a member of the Bar of the State of Delaware and of this Court. I have personal knowledge of the matters stated in this declaration and would testify truthfully to them it called upon to do so.

2. A true and correct copy of the January 30, 2008 letter from Brian M. Rostocki, Esq. to Louis J. Rizzo, Jr., Esq. is attached as Exhibit E.

3. A true and correct copy of the February 1, 2008 letter from William J. Marsden, Jr., Esq. to Louis J. Rizzo, Jr., Esq. is attached as Exhibit F.

I declare under the penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
Brian M. Rostocki (#4599)

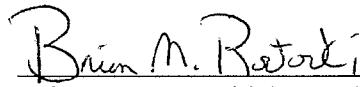
Dated: March 24, 2008

**CERTIFICATE OF SERVICE**

I hereby certify that on March 25, 2008, I electronically filed with the Clerk of Court the foregoing DECLARATION OF BRIAN M. ROSTOCKI, ESQ. using CM/ECF which will send electronic notification of such filing(s) to the following Delaware counsel.

Sarah Elizabeth DiLuzio  
Potter Anderson & Corroon LLP  
1313 N. Market Street, 6<sup>th</sup> Floor  
Wilmington, DE 19801

Louis J. Rizzo, Jr.,  
Reger Rizzo Kavulich & Darnall, LLP  
1001 Jefferson Plaza  
Suite 202  
Wilmington, DE 19801

  
\_\_\_\_\_  
Brian M. Rostocki (#4599)

## **Exhibit E**

**Patricia Blazer**

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**From:** Patricia Blazer  
**Sent:** Wednesday, January 30, 2008 4:45 PM  
**To:** 'Irizzo@rrkdlaw.com'  
**Cc:** Brian Rostocki  
**Subject:** Mechanical Integrity Inc. (CA 07-346 SLR)  
  
**Importance:** High  
  
**Attachments:** ltr2rizzo.pdf

The attached letter is being sent to you in .pdf and via regular mail at the request of Brian M. Rostocki, Esquire. Please respond to Mr. Rostocki with comments or questions. Thank you.



ltr2rizzo.pdf (114 KB)

*Pat. Blazer*

ASSISTANT TO BRIAN M. ROSTOCKI, ESQUIRE  
FISH & RICHARDSON P.C.  
919 N. MARKET STREET, SUITE 1100  
WILMINGTON, DE 19801-1114  
DIRECT DIAL: (302) 778-8468

# FISH & RICHARDSON P.C.

Frederick P. Fish  
1855-1930

W.K. Richardson  
1859-1951

January 30, 2008

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Wilmington, Delaware  
19899-1114

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Web Site  
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Brian M. Rostocki  
302 652-8471

Email  
[Rostocki@fr.com](mailto:Rostocki@fr.com)

## *Via E-Mail & US Mail*

Louis J. Rizzo, Jr., Esquire  
REGER RIZZO KAVULICH & DARNALL LLP  
1001 Jefferson Plaza, Suite 202  
Wilmington, Delaware 19801

FR

ATLANTA

AUSTIN

BOSTON

DALLAS

DELAWARE

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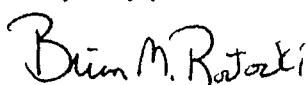
**Re: *E.I. du Pont de Nemours and Co. v. Mechanical Integrity, Inc.,*  
D. Del., C.A. No. 07-346 SLR**

Dear Louis:

I am in receipt of your letter dated January 23, 2008. Please find enclosed a Declaration from Mike Walker wherein Mr. Walker declares that he is a resident of the United Kingdom, is a director of NDT Equipment Services Ltd. ("NDT") and has never been the sole proprietor of NDT. As such and pursuant to your January 23, 2008 letter, please dismiss all claims against Mr. Walker by January 31, 2008. This letter and Mr. Walker's Declaration shall not constitute a waiver of Mr. Walker's or NDT's personal jurisdiction and insufficient service defenses.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Brian M. Rostocki

BMR:phb

Enclosure

80055162.doc

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

E.I. DU PONT DE NEMOURS AND COMPANY,	)	
	)	
	)	
Plaintiff,	)	
	)	C.A. No. 07-346 (SLR)
v.	)	
	)	
MECHANICAL INTEGRITY, INC.	)	
	)	
Defendant,	)	
	)	

**DECLARATION OF MIKE WALKER IN SUPPORT OF NDT EQUIPMENT  
SERVICES LTD.'S AND MIKE WALKER'S MOTION TO DISMISS**

I, Mike Walker, declare as follows:

1. I am named as a Third Party Defendant in the above entitled action pending before the U.S. District Court for the District of Delaware. I make this Declaration of my own personal knowledge, and if called upon as a witness would competently testify to the facts set forth in this Declaration.
2. I am a resident of the United Kingdom ("UK").
3. I am a director of NDT Equipment Services Ltd. ("NDT"). I am not and have never been the sole proprietor of NDT.
4. I do not personally have any operations in Delaware. Nor do I have any agents, employees or representatives that work or reside in Delaware, other than my counsel that have been retained for purposes of the above entitled litigation.
5. I do not have a license to do business in Delaware and I do not own, lease, use or otherwise possess property in Delaware.

6. I have never transacted any business or performed any character of work or service in Delaware.
7. I have never entered into any contract to supply services or things in Delaware.
8. I do not regularly solicit business in Delaware, engage in any persistent course of conduct in Delaware or derive any revenue (let alone substantial revenue) from services or things used or consumed in Delaware. Nor have I ever regularly solicited business in Delaware, engaged in any persistent course of conduct in Delaware or derived any revenue (let alone substantial revenue) from services or things used or consumed in Delaware.
9. I do not conduct any regular sales activity in Delaware.
10. I do not have an interest in, use or possess real property located in Delaware.
11. I have never contracted to insure or act as surety for, or on, any person, property, risk, contract, obligation or agreement located, executed or to be performed within Delaware.
12. I have never operated a motor vehicle in Delaware or been involved in any automobile accident or collision in Delaware.
13. I have not entered into a contract with Mechanical Integrity, Inc. whereby I consented to being subject to the jurisdiction of the federal or state courts located in Delaware.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: 18-1-08  
18<sup>th</sup> JAN 2008

  
\_\_\_\_\_  
Mike Walker

## **Exhibit F**

**Patricia Blazer**

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**From:** Patricia Blazer  
**Sent:** Friday, February 01, 2008 3:27 PM  
**To:** 'Irizzo@rrkdlaw.com'  
**Cc:** William Marsden; Brian Rostocki  
**Subject:** E.I.duPont v. Mechanical, CA 07-346 SLR  
  
**Attachments:** rizzoltr.pdf

The attached .pdf document is being sent to you, with a confirmation copy by regular mail, at the request of William J. Marsden Jr., Esquire. Please respond to Mr. Marsden with questions or comments.



rizzoltr.pdf (2 MB)

Thank you,

*Pat. Blazer*

ASSISTANT TO CATHY L. REESE, ESQUIRE  
AND BRIAN M. ROSTOCKI, ESQUIRE  
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WILMINGTON, DE 19801-1114  
DIRECT DIAL: (302) 778-8468

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February 1, 2008

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Louis J. Rizzo, Jr., Esquire  
REGER RIZZO KAVULICH & DARNALL LLP  
1001 Jefferson Plaza, Suite 202  
Wilmington, Delaware 19801

**Re: *E.I. du Pont de Nemours and Co. v. Mechanical Integrity, Inc.,*  
D. Del., C.A. No. 07-346 SLR**

**FR**

Dear Louis:

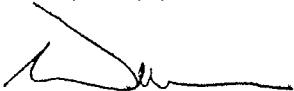
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NEW YORK  
SAN DIEGO  
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TWIN CITIES  
WASHINGTON, DC

Please find enclosed as Exhibit A hereto NDT Equipment Services Ltd.'s ("NDT") and Mike Walker's ("Walker") motion to dismiss the Third Party Complaint brought by Mechanical Integrity, Inc. ("MI") based on the Court's lack of personal jurisdiction over NDT and Walker and MI's insufficient service of process, as well as NDT's and Walker's opening brief and declarations in support of that motion. These documents were filed today with the Court.

Based on these filings, we renew our request that MI dismiss the Third Party Complaint against NDT and Walker, because there is no basis for personal jurisdiction. We will grant an extension to February 22, 2008 (21-days) for MI to either answer NDT's and Walker's motion to dismiss or withdraw the Third Party Complaint against NDT and Walker. If MI decides to continue with this litigation, we intend to proceed with our motion for sanctions attached hereto as Exhibit B.

Your January 23<sup>rd</sup> letter also states that even if NDT and Walker were successful on their personal jurisdiction defenses, they would be faced with defending the same suit in a different jurisdiction. However, based on a review of the relevant facts, we are confident that MI would not prevail on any such suit against NDT or Walker in any jurisdiction. NDT may, however, be willing to provide assistance to MI in its defense of Du Pont's claims in exchange for a release of all claims against NDT. I look forward to speaking with you on February 6, 2008 to discuss the merits of MI's claims against NDT.

Very truly yours,



William J. Marsden, Jr.